

## **REMARKS**

Claims 1-53 are currently pending in this application. As a result of the restriction requirement, claims 45-53 have been withdrawn. No new matter has been added. The Applicant reserves the right to pursue the withdrawn claims in another application.

### **Restriction Requirement**

The Applicant has elected Group 1 for claims 1-44, with traverse. Applicant traverses the restriction requirement on the basis that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Thus, in accordance with MPEP § 803, the restriction requirement is submitted to be improper because it is respectfully believed that the search and examination of the entire application can be made without serious burden.

The office action appears to note that the subject matter of Group II is distinct from the subject matter of Group I because Group II requires that the player is not present at any of the gaming terminals when awarding a payout. However, the subject matter of Group I is similar in that a player is not required to be present at any of the gaming terminals to receive an award. Furthermore, it is believed that both Group I and II would have the same utility as described in the office action, particularly as “an incentive program to entice gamblers to return more frequently to casinos to spend money.” Group I and II both entice players to return to the casinos in order to claim their awards and to spend more money.

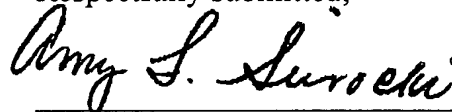
Thus, it cannot reasonably be argued that the search and examination of the foregoing invention will seriously burden the Examiner and, therefore, the Restriction Requirement should be withdrawn. Accordingly, examination of Groups I and II on the merits is respectfully requested.

### **Conclusion**

The Applicant submits that the claims are in a condition for allowance and action toward that end is earnestly solicited. It is believed that no fees are due; however, should any fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from the Nixon Peabody Deposit Account No. 50-4181 (247079-000239USPT).

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Respectfully submitted,



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